UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION FIVE

SHUTTLE EXPRESSS. INC D/B/A SUPERSHUTTLE BALTIMORE

Employer

and

Case 5-RC-112774

UNITED FOOD AND COMMMERCIAL WORKERS, LOCAL 1994, MCGEO

REQUEST FOR REVIEW

Now comes Petitioner, the United Food and Commercial Workers, Local 1994, MCGEO (herein "Petitioner" or the "Union"), by and through undersigned counsel and hereby files a Request for Review of the Decision and Order issued by the Regional Director for Region Five on November 25, 2013.

In that decision, regional director found that all 82 of the shuttle drivers included in the bargaining unit sought by the petitioner were supervisors within the meaning of Section 2(11) of the Act. The employer had contended that the drivers were independent contractors and not employees. Should the Employer's argument be accepted that the drivers were in fact supervisors, they would have be employees as opposed to independent contractors because they would have to have an employer. Thus, the decision is by its very nature, defective. The regional director made no finding as to the number of relief drivers allegedly supervised by drivers but there are substantially fewer

relief drivers than shuttle drivers who were found to be supervisors does having a situation where there are far more supervisors than there are employees. Again this finding fails to adhere to general principles involved in the composition of bargaining units.

The issues in this case it's been litigated throughout the United States and there have been different findings by different regional directors throughout the country. The Regional Director has made since finding based upon the finding in an earlier filed case in which the request review had been pending for well more than a year without a decision. The case was withdrawn therefore rendering the decision in that case we moot and irrelevant to this proceeding. The cases in which the board has found these identical drivers to be employees has been cited in the record as has virtually all of the briefs and documents from the prior case. Of note, is the Board's finding that the BWI taxi drivers, who are working in a nearly identical working environment have been found to be employees with meaning of the Act. Rather than repeat the arguments previously made, the Petitioner believes that the record is sufficient and includes Petitioners' arguments that these drivers are employees within the meaning of the Act.

For the foregoing reasons, the Petitioner respectfully requests that the Board grant review and overrule the Regional Directors finding and direct an election in the petitioned for unit.

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